

# Composite

## Exhibit D

**PLAINTIFFS' OMNIBUS MOTION TO LIFT DISCOVERY STAY  
AND FOR LEAVE TO CONDUCT JURISDICTIONAL DISCOVERY,  
AND, IF NECESSARY TO AMEND THEIR COMPLAINTS WITH  
ANY FACTS ARISING FROM SUCH DISCOVERY**

(Part 3 of 3)

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**KEVIN PAFFRATH, GRAHAM STEPHAN,  
ANDREI JIKH, JASPREET SINGH, BRIAN  
JUNG, JEREMY LEFEBVRE, TOM NASH,  
BEN ARMSTRONG, ERIKA KULLBERG,  
CREATORS AGENCY, LLC,**

*Defendants.*

/

**NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF**  
**DEFENDANT KEVIN PAFFRATH**

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT:** Defendant Kevin Paffrath  
**DATE:** June 20, 2023  
**TIME:** 10:00am EST  
**LOCATION:** Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Dated: May 17, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com  
Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com  
**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/Stuart Z. Grossman**

Stuart Z. Grossman  
Florida Bar No. 156113  
Manuel A. Arteaga-Gomez  
Florida Bar No. 18122  
**GROSSMAN ROTH YAFFA COHEN, P.A.**  
2525 Ponce de Leon Boulevard, Suite 1150  
Coral Gables, FL 33134  
Ph: 305-442-8666  
Fx: 305-285-1668  
szg@grossmanroth.com  
aag@grossmanroth.com

**By: /s/ Stephen Neal Zack**

Stephen Neal Zack  
Florida Bar No. 145215  
Tyler Ulrich  
Florida Bar No. 94705  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com  
tulrich@bsflp.com

**By: /s/ Jose Ferrer**

Jose Ferrer  
Florida Bar No. 173746  
Michelle Genet Bernstein  
Florida Bar No. 1030736  
**MARK MIGDAL HAYDEN LLP**  
8 SW 8<sup>th</sup> Street, Suite 1999

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Miami, FL 33130  
Office: 305-374-0440  
jose@markmigdal.com  
michelle@markmigdal.com  
eservice@markmigdal.com

*Co-Counsel for Plaintiffs and the Class*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz  
ADAM M. MOSKOWITZ

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**KEVIN PAFFRATH, GRAHAM STEPHAN,  
ANDREI JIKH, JASPREET SINGH, BRIAN  
JUNG, JEREMY LEFEBVRE, TOM NASH,  
BEN ARMSTRONG, ERIKA KULLBERG,  
CREATORS AGENCY, LLC,**

*Defendants.*

/

**PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO  
DEFENDANT KEVIN PAFFRATH**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Kevin Paffrath (“Paffrath”), produce the documents requested in response to these seven requests.

Dated: May 17, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com  
Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com  
**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/Stuart Z. Grossman**

Stuart Z. Grossman  
Florida Bar No. 156113  
Manuel A. Arteaga-Gomez

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Florida Bar No. 18122  
**GROSSMAN ROTH YAFFA COHEN, P.A.**  
2525 Ponce de Leon Boulevard, Suite 1150  
Coral Gables, FL 33134  
Ph: 305-442-8666  
Fx: 305-285-1668  
szg@grossmanroth.com  
aag@grossmanroth.com

**By: /s/ Stephen Neal Zack**  
Stephen Neal Zack  
Florida Bar No. 145215  
Tyler Ulrich  
Florida Bar No. 94705  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com  
tulrich@bsflp.com

**By: /s/ Jose Ferrer**  
Jose Ferrer  
Florida Bar No. 173746  
Michelle Genet Bernstein  
Florida Bar No. 1030736  
**MARK MIGDAL HAYDEN LLP**  
8 SW 8<sup>th</sup> Street, Suite 1999  
Miami, FL 33130  
Office: 305-374-0440  
jose@markmigdal.com  
michelle@markmigdal.com  
eservice@markmigdal.com

*Co-Counsel for Plaintiffs and the Class*

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

**By: /s/ Adam M. Moskowitz**  
ADAM M. MOSKOWITZ

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

## **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

1. “Paffrath,” “You,” or “Your” means Defendant Kevin Paffrath and any of his affiliates, representatives, or agents.
2. “Co-Defendants” means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
4. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
5. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
6. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

### **INSTRUCTIONS**

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - b. all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

- the destruction of any responsive document;
- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
  - f. all efforts made to locate any responsive document alleged to have been lost.
5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
  6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
  7. All documents are to be produced in the following method:
    - a) Single page .TIFF
    - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
    - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
    - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

Edwin Garrison, et al. v. Kevin Paffrath, et al.  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

## **SEVEN REQUESTS FOR PRODUCTION**

*Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.*

1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

---

<sup>1</sup> Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.

6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.

7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**KEVIN PAFFRATH, GRAHAM STEPHAN,  
ANDREI JIKH, JASPREET SINGH, BRIAN  
JUNG, JEREMY LEFEBVRE, TOM NASH,  
BEN ARMSTRONG, ERIKA KULLBERG,  
CREATORS AGENCY, LLC,**

*Defendants.*

/

**NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF**  
**DEFENDANT ANDREI JIKH**

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT:** Defendant Andre Jikh  
**DATE:** June 21, 2023  
**TIME:** 10:00am EST  
**LOCATION:** Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Dated: May 17, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com  
Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com  
**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/Stuart Z. Grossman**

Stuart Z. Grossman  
Florida Bar No. 156113  
Manuel A. Arteaga-Gomez  
Florida Bar No. 18122  
**GROSSMAN ROTH YAFFA COHEN, P.A.**  
2525 Ponce de Leon Boulevard, Suite 1150  
Coral Gables, FL 33134  
Ph: 305-442-8666  
Fx: 305-285-1668  
szg@grossmanroth.com  
aag@grossmanroth.com

**By: /s/ Stephen Neal Zack**

Stephen Neal Zack  
Florida Bar No. 145215  
Tyler Ulrich  
Florida Bar No. 94705  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com  
tulrich@bsflp.com

**By: /s/ Jose Ferrer**

Jose Ferrer  
Florida Bar No. 173746  
Michelle Genet Bernstein  
Florida Bar No. 1030736  
**MARK MIGDAL HAYDEN LLP**  
8 SW 8<sup>th</sup> Street, Suite 1999

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Miami, FL 33130  
Office: 305-374-0440  
jose@markmigdal.com  
michelle@markmigdal.com  
eservice@markmigdal.com

*Co-Counsel for Plaintiffs and the Class*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz  
ADAM M. MOSKOWITZ

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**KEVIN PAFFRATH, GRAHAM STEPHAN,  
ANDREI JIKH, JASPREET SINGH, BRIAN  
JUNG, JEREMY LEFEBVRE, TOM NASH,  
BEN ARMSTRONG, ERIKA KULLBERG,  
CREATORS AGENCY, LLC,**

*Defendants.*

/

**PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO  
DEFENDANT ANDREI JIKH**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Andrei Jikh (“Jikh”), produce the documents requested in response to these seven requests.

Dated: May 17, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com  
Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com  
**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/Stuart Z. Grossman**

Stuart Z. Grossman  
Florida Bar No. 156113  
Manuel A. Arteaga-Gomez

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Florida Bar No. 18122  
**GROSSMAN ROTH YAFFA COHEN, P.A.**  
2525 Ponce de Leon Boulevard, Suite 1150  
Coral Gables, FL 33134  
Ph: 305-442-8666  
Fx: 305-285-1668  
szg@grossmanroth.com  
aag@grossmanroth.com

**By: /s/ Stephen Neal Zack**  
Stephen Neal Zack  
Florida Bar No. 145215  
Tyler Ulrich  
Florida Bar No. 94705  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com  
tulrich@bsflp.com

**By: /s/ Jose Ferrer**  
Jose Ferrer  
Florida Bar No. 173746  
Michelle Genet Bernstein  
Florida Bar No. 1030736  
**MARK MIGDAL HAYDEN LLP**  
8 SW 8<sup>th</sup> Street, Suite 1999  
Miami, FL 33130  
Office: 305-374-0440  
jose@markmigdal.com  
michelle@markmigdal.com  
eservice@markmigdal.com

*Co-Counsel for Plaintiffs and the Class*

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

**By: /s/ Adam M. Moskowitz**  
ADAM M. MOSKOWITZ

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

## **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

1. “Jikh,” “You,” or “Your” means Defendant Andrei Jikh and any of his affiliates, representatives, or agents.
2. “Co-Defendants” means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
4. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
5. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
6. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

### **INSTRUCTIONS**

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - b. all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

- the destruction of any responsive document;
- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
  - f. all efforts made to locate any responsive document alleged to have been lost.
5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
  6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
  7. All documents are to be produced in the following method:
    - a) Single page .TIFF
    - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
    - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
    - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

*Edwin Garrison, et al. v. Kevin Paffrath, et al.  
CASE NO. 23-21023-CIV-ALTONAGA/Damian*

## **SEVEN REQUESTS FOR PRODUCTION**

*Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.*

1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

---

<sup>1</sup> Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.

6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.

7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**KEVIN PAFFRATH, GRAHAM STEPHAN,  
ANDREI JIKH, JASPREET SINGH, BRIAN  
JUNG, JEREMY LEFEBVRE, TOM NASH,  
BEN ARMSTRONG, ERIKA KULLBERG,  
CREATORS AGENCY, LLC,**

*Defendants.*

/

**NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF**  
**DEFENDANT GRAHAM STEPHAN**

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT:** Defendant Graham Stephan  
**DATE:** June 22, 2023  
**TIME:** 10:00am EST  
**LOCATION:** Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Dated: May 17, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com  
Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com  
**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/Stuart Z. Grossman**

Stuart Z. Grossman  
Florida Bar No. 156113  
Manuel A. Arteaga-Gomez  
Florida Bar No. 18122  
**GROSSMAN ROTH YAFFA COHEN, P.A.**  
2525 Ponce de Leon Boulevard, Suite 1150  
Coral Gables, FL 33134  
Ph: 305-442-8666  
Fx: 305-285-1668  
szg@grossmanroth.com  
aag@grossmanroth.com

**By: /s/ Stephen Neal Zack**

Stephen Neal Zack  
Florida Bar No. 145215  
Tyler Ulrich  
Florida Bar No. 94705  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com  
tulrich@bsflp.com

**By: /s/ Jose Ferrer**

Jose Ferrer  
Florida Bar No. 173746  
Michelle Genet Bernstein  
Florida Bar No. 1030736  
**MARK MIGDAL HAYDEN LLP**  
8 SW 8<sup>th</sup> Street, Suite 1999

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Miami, FL 33130  
Office: 305-374-0440  
jose@markmigdal.com  
michelle@markmigdal.com  
eservice@markmigdal.com

*Co-Counsel for Plaintiffs and the Class*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz  
ADAM M. MOSKOWITZ

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**KEVIN PAFFRATH, GRAHAM STEPHAN,  
ANDREI JIKH, JASPREET SINGH, BRIAN  
JUNG, JEREMY LEFEBVRE, TOM NASH,  
BEN ARMSTRONG, ERIKA KULLBERG,  
CREATORS AGENCY, LLC,**

*Defendants.*

/

**PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO  
DEFENDANT GRAHAM STEPHAN**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Graham Stephan (“Stephan”), produce the documents requested in response to these seven requests.

Dated: May 17, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com  
Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com  
**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/Stuart Z. Grossman**

Stuart Z. Grossman  
Florida Bar No. 156113  
Manuel A. Arteaga-Gomez

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Florida Bar No. 18122  
**GROSSMAN ROTH YAFFA COHEN, P.A.**  
2525 Ponce de Leon Boulevard, Suite 1150  
Coral Gables, FL 33134  
Ph: 305-442-8666  
Fx: 305-285-1668  
szg@grossmanroth.com  
aag@grossmanroth.com

**By: /s/ Stephen Neal Zack**  
Stephen Neal Zack  
Florida Bar No. 145215  
Tyler Ulrich  
Florida Bar No. 94705  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com  
tulrich@bsflp.com

**By: /s/ Jose Ferrer**  
Jose Ferrer  
Florida Bar No. 173746  
Michelle Genet Bernstein  
Florida Bar No. 1030736  
**MARK MIGDAL HAYDEN LLP**  
8 SW 8<sup>th</sup> Street, Suite 1999  
Miami, FL 33130  
Office: 305-374-0440  
jose@markmigdal.com  
michelle@markmigdal.com  
eservice@markmigdal.com

*Co-Counsel for Plaintiffs and the Class*

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

**By: /s/ Adam M. Moskowitz**  
ADAM M. MOSKOWITZ

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

## **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

1. "Stephan," "You," or "Your" means Defendant Graham Stephan and any of his affiliates, representatives, or agents.
2. "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

*Edwin Garrison, et al. v. Kevin Paffrath, et al.  
CASE NO. 23-21023-CIV-ALTONAGA/Damian*

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

### **INSTRUCTIONS**

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - b. all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

- the destruction of any responsive document;
- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
  - f. all efforts made to locate any responsive document alleged to have been lost.
5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
  6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
  7. All documents are to be produced in the following method:
    - a) Single page .TIFF
    - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
    - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
    - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

*Edwin Garrison, et al. v. Kevin Paffrath, et al.  
CASE NO. 23-21023-CIV-ALTONAGA/Damian*

## **SEVEN REQUESTS FOR PRODUCTION**

*Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.*

1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

---

<sup>1</sup> Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

*Edwin Garrison, et al. v. Kevin Paffrath, et al.  
CASE NO. 23-21023-CIV-ALTONAGA/Damian*

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.

6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.

7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**KEVIN PAFFRATH, GRAHAM STEPHAN,  
ANDREI JIKH, JASPREET SINGH, BRIAN  
JUNG, JEREMY LEFEBVRE, TOM NASH,  
BEN ARMSTRONG, ERIKA KULLBERG,  
CREATORS AGENCY, LLC,**

*Defendants.*

/

**NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF**  
**DEFENDANT JASPREET SINGH**

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT:** Defendant Jaspreet Singh  
**DATE:** June 23, 2023  
**TIME:** 10:00am EST  
**LOCATION:** Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Dated: May 17, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com  
Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com  
**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/Stuart Z. Grossman**

Stuart Z. Grossman  
Florida Bar No. 156113  
Manuel A. Arteaga-Gomez  
Florida Bar No. 18122  
**GROSSMAN ROTH YAFFA COHEN, P.A.**  
2525 Ponce de Leon Boulevard, Suite 1150  
Coral Gables, FL 33134  
Ph: 305-442-8666  
Fx: 305-285-1668  
szg@grossmanroth.com  
aag@grossmanroth.com

**By: /s/ Stephen Neal Zack**

Stephen Neal Zack  
Florida Bar No. 145215  
Tyler Ulrich  
Florida Bar No. 94705  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com  
tulrich@bsflp.com

**By: /s/ Jose Ferrer**

Jose Ferrer  
Florida Bar No. 173746  
Michelle Genet Bernstein  
Florida Bar No. 1030736  
**MARK MIGDAL HAYDEN LLP**  
8 SW 8<sup>th</sup> Street, Suite 1999

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Miami, FL 33130  
Office: 305-374-0440  
jose@markmigdal.com  
michelle@markmigdal.com  
eservice@markmigdal.com

*Co-Counsel for Plaintiffs and the Class*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz  
ADAM M. MOSKOWITZ

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**KEVIN PAFFRATH, GRAHAM STEPHAN,  
ANDREI JIKH, JASPREET SINGH, BRIAN  
JUNG, JEREMY LEFEBVRE, TOM NASH,  
BEN ARMSTRONG, ERIKA KULLBERG,  
CREATORS AGENCY, LLC,**

*Defendants.*

/

**PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO  
DEFENDANT JASPREET SINGH**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Jaspreet Singh (“Singh”), produce the documents requested in response to these seven requests.

Dated: May 17, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com

Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com

**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/Stuart Z. Grossman**

Stuart Z. Grossman  
Florida Bar No. 156113  
Manuel A. Arteaga-Gomez

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Florida Bar No. 18122  
**GROSSMAN ROTH YAFFA COHEN, P.A.**  
2525 Ponce de Leon Boulevard, Suite 1150  
Coral Gables, FL 33134  
Ph: 305-442-8666  
Fx: 305-285-1668  
szg@grossmanroth.com  
aag@grossmanroth.com

**By: /s/ Stephen Neal Zack**  
Stephen Neal Zack  
Florida Bar No. 145215  
Tyler Ulrich  
Florida Bar No. 94705  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com  
tulrich@bsflp.com

**By: /s/ Jose Ferrer**  
Jose Ferrer  
Florida Bar No. 173746  
Michelle Genet Bernstein  
Florida Bar No. 1030736  
**MARK MIGDAL HAYDEN LLP**  
8 SW 8<sup>th</sup> Street, Suite 1999  
Miami, FL 33130  
Office: 305-374-0440  
jose@markmigdal.com  
michelle@markmigdal.com  
eservice@markmigdal.com

*Co-Counsel for Plaintiffs and the Class*

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

**By: /s/ Adam M. Moskowitz**  
ADAM M. MOSKOWITZ

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

## **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

1. "Singh," "You," or "Your" means Defendant Jaspreet Singh and any of his affiliates, representatives, or agents.
2. "Co-Defendants" means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
4. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
5. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
6. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

### **INSTRUCTIONS**

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - b. all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

- the destruction of any responsive document;
- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
  - f. all efforts made to locate any responsive document alleged to have been lost.
5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
  6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
  7. All documents are to be produced in the following method:
    - a) Single page .TIFF
    - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
    - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
    - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

*Edwin Garrison, et al. v. Kevin Paffrath, et al.  
CASE NO. 23-21023-CIV-ALTONAGA/Damian*

## **SEVEN REQUESTS FOR PRODUCTION**

*Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.*

1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

---

<sup>1</sup> Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

*Edwin Garrison, et al. v. Kevin Paffrath, et al.  
CASE NO. 23-21023-CIV-ALTONAGA/Damian*

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.

6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.

7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**KEVIN PAFFRATH, GRAHAM STEPHAN,  
ANDREI JIKH, JASPREET SINGH, BRIAN  
JUNG, JEREMY LEFEBVRE, TOM NASH,  
BEN ARMSTRONG, ERIKA KULLBERG,  
CREATORS AGENCY, LLC,**

*Defendants.*

/

**NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF**  
**DEFENDANT BRIAN JUNG**

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT:** Defendant Brian Jung  
**DATE:** June 26, 2023  
**TIME:** 10:00am EST  
**LOCATION:** Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Dated: May 17, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com  
Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com  
**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/Stuart Z. Grossman**

Stuart Z. Grossman  
Florida Bar No. 156113  
Manuel A. Arteaga-Gomez  
Florida Bar No. 18122  
**GROSSMAN ROTH YAFFA COHEN, P.A.**  
2525 Ponce de Leon Boulevard, Suite 1150  
Coral Gables, FL 33134  
Ph: 305-442-8666  
Fx: 305-285-1668  
szg@grossmanroth.com  
aag@grossmanroth.com

**By: /s/ Stephen Neal Zack**

Stephen Neal Zack  
Florida Bar No. 145215  
Tyler Ulrich  
Florida Bar No. 94705  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com  
tulrich@bsflp.com

**By: /s/ Jose Ferrer**

Jose Ferrer  
Florida Bar No. 173746  
Michelle Genet Bernstein  
Florida Bar No. 1030736  
**MARK MIGDAL HAYDEN LLP**  
8 SW 8<sup>th</sup> Street, Suite 1999

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Miami, FL 33130  
Office: 305-374-0440  
jose@markmigdal.com  
michelle@markmigdal.com  
eservice@markmigdal.com

*Co-Counsel for Plaintiffs and the Class*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz  
ADAM M. MOSKOWITZ

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**KEVIN PAFFRATH, GRAHAM STEPHAN,  
ANDREI JIKH, JASPREET SINGH, BRIAN  
JUNG, JEREMY LEFEBVRE, TOM NASH,  
BEN ARMSTRONG, ERIKA KULLBERG,  
CREATORS AGENCY, LLC,**

*Defendants.*

/

**PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO  
DEFENDANT BRIAN JUNG**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Brian Jung (“Jung”), produce the documents requested in response to these seven requests.

Dated: May 17, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com  
Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com  
**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

By: /s/Stuart Z. Grossman

Stuart Z. Grossman  
Florida Bar No. 156113  
Manuel A. Arteaga-Gomez

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Florida Bar No. 18122  
**GROSSMAN ROTH YAFFA COHEN, P.A.**  
2525 Ponce de Leon Boulevard, Suite 1150  
Coral Gables, FL 33134  
Ph: 305-442-8666  
Fx: 305-285-1668  
szg@grossmanroth.com  
aag@grossmanroth.com

**By: /s/ Stephen Neal Zack**  
Stephen Neal Zack  
Florida Bar No. 145215  
Tyler Ulrich  
Florida Bar No. 94705  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com  
tulrich@bsflp.com

**By: /s/ Jose Ferrer**  
Jose Ferrer  
Florida Bar No. 173746  
Michelle Genet Bernstein  
Florida Bar No. 1030736  
**MARK MIGDAL HAYDEN LLP**  
8 SW 8<sup>th</sup> Street, Suite 1999  
Miami, FL 33130  
Office: 305-374-0440  
jose@markmigdal.com  
michelle@markmigdal.com  
eservice@markmigdal.com

*Co-Counsel for Plaintiffs and the Class*

#### CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

**By: /s/ Adam M. Moskowitz**  
ADAM M. MOSKOWITZ

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

## **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

1. “Jung,” “You,” or “Your” means Defendant Brian Jung and any of his affiliates, representatives, or agents.
2. “Co-Defendants” means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
4. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
5. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
6. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

*Edwin Garrison, et al. v. Kevin Paffrath, et al.  
CASE NO. 23-21023-CIV-ALTONAGA/Damian*

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

### **INSTRUCTIONS**

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - b. all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

- the destruction of any responsive document;
- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
  - f. all efforts made to locate any responsive document alleged to have been lost.
5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
  6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
  7. All documents are to be produced in the following method:
    - a) Single page .TIFF
    - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
    - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
    - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

*Edwin Garrison, et al. v. Kevin Paffrath, et al.  
CASE NO. 23-21023-CIV-ALTONAGA/Damian*

## **SEVEN REQUESTS FOR PRODUCTION**

*Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.*

1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

---

<sup>1</sup> Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

*Edwin Garrison, et al. v. Kevin Paffrath, et al.  
CASE NO. 23-21023-CIV-ALTONAGA/Damian*

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.

6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.

7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**KEVIN PAFFRATH, GRAHAM STEPHAN,  
ANDREI JIKH, JASPREET SINGH, BRIAN  
JUNG, JEREMY LEFEBVRE, TOM NASH,  
BEN ARMSTRONG, ERIKA KULLBERG,  
CREATORS AGENCY, LLC,**

*Defendants.*

/

**NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF**  
**DEFENDANT JEREMY LEFEBVRE**

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT:** Defendant Jeremy LeFebvre  
**DATE:** June 27, 2023  
**TIME:** 10:00am EST  
**LOCATION:** Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Dated: May 17, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com  
Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com  
**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/Stuart Z. Grossman**

Stuart Z. Grossman  
Florida Bar No. 156113  
Manuel A. Arteaga-Gomez  
Florida Bar No. 18122  
**GROSSMAN ROTH YAFFA COHEN, P.A.**  
2525 Ponce de Leon Boulevard, Suite 1150  
Coral Gables, FL 33134  
Ph: 305-442-8666  
Fx: 305-285-1668  
szg@grossmanroth.com  
aag@grossmanroth.com

**By: /s/ Stephen Neal Zack**

Stephen Neal Zack  
Florida Bar No. 145215  
Tyler Ulrich  
Florida Bar No. 94705  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com  
tulrich@bsflp.com

**By: /s/ Jose Ferrer**

Jose Ferrer  
Florida Bar No. 173746  
Michelle Genet Bernstein  
Florida Bar No. 1030736  
**MARK MIGDAL HAYDEN LLP**  
8 SW 8<sup>th</sup> Street, Suite 1999

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Miami, FL 33130  
Office: 305-374-0440  
jose@markmigdal.com  
michelle@markmigdal.com  
eservice@markmigdal.com

*Co-Counsel for Plaintiffs and the Class*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz  
ADAM M. MOSKOWITZ

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**KEVIN PAFFRATH, GRAHAM STEPHAN,  
ANDREI JIKH, JASPREET SINGH, BRIAN  
JUNG, JEREMY LEFEBVRE, TOM NASH,  
BEN ARMSTRONG, ERIKA KULLBERG,  
CREATORS AGENCY, LLC,**

*Defendants.*

/

**PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO  
DEFENDANT JEREMY LEFEBVRE**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Jeremy LeFebvre ("LeFebvre"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com

Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com

**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/Stuart Z. Grossman**

Stuart Z. Grossman  
Florida Bar No. 156113  
Manuel A. Arteaga-Gomez

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Florida Bar No. 18122  
**GROSSMAN ROTH YAFFA COHEN, P.A.**  
2525 Ponce de Leon Boulevard, Suite 1150  
Coral Gables, FL 33134  
Ph: 305-442-8666  
Fx: 305-285-1668  
szg@grossmanroth.com  
aag@grossmanroth.com

**By: /s/ Stephen Neal Zack**  
Stephen Neal Zack  
Florida Bar No. 145215  
Tyler Ulrich  
Florida Bar No. 94705  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com  
tulrich@bsflp.com

**By: /s/ Jose Ferrer**  
Jose Ferrer  
Florida Bar No. 173746  
Michelle Genet Bernstein  
Florida Bar No. 1030736  
**MARK MIGDAL HAYDEN LLP**  
8 SW 8<sup>th</sup> Street, Suite 1999  
Miami, FL 33130  
Office: 305-374-0440  
jose@markmigdal.com  
michelle@markmigdal.com  
eservice@markmigdal.com

*Co-Counsel for Plaintiffs and the Class*

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

**By: /s/ Adam M. Moskowitz**  
ADAM M. MOSKOWITZ

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

## **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

1. “LeFebvre,” “You,” or “Your” means Defendant Jeremy LeFebvre and any of his affiliates, representatives, or agents.
2. “Co-Defendants” means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
4. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
5. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
6. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

### **INSTRUCTIONS**

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - b. all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

- the destruction of any responsive document;
- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
  - f. all efforts made to locate any responsive document alleged to have been lost.
5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
  6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
  7. All documents are to be produced in the following method:
    - a) Single page .TIFF
    - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
    - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
    - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

*Edwin Garrison, et al. v. Kevin Paffrath, et al.  
CASE NO. 23-21023-CIV-ALTONAGA/Damian*

## **SEVEN REQUESTS FOR PRODUCTION**

*Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.*

1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

---

<sup>1</sup> Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.

6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.

7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**KEVIN PAFFRATH, GRAHAM STEPHAN,  
ANDREI JIKH, JASPREET SINGH, BRIAN  
JUNG, JEREMY LEFEBVRE, TOM NASH,  
BEN ARMSTRONG, ERIKA KULLBERG,  
CREATORS AGENCY, LLC,**

*Defendants.*

/

**NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF  
DEFENDANT ERIKA KULLBERG**

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT:** Defendant Erika Kullberg  
**DATE:** June 29, 2023  
**TIME:** 10:00am EST  
**LOCATION:** Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Dated: May 17, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com  
Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com  
**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/Stuart Z. Grossman**

Stuart Z. Grossman  
Florida Bar No. 156113  
Manuel A. Arteaga-Gomez  
Florida Bar No. 18122  
**GROSSMAN ROTH YAFFA COHEN, P.A.**  
2525 Ponce de Leon Boulevard, Suite 1150  
Coral Gables, FL 33134  
Ph: 305-442-8666  
Fx: 305-285-1668  
szg@grossmanroth.com  
aag@grossmanroth.com

**By: /s/ Stephen Neal Zack**

Stephen Neal Zack  
Florida Bar No. 145215  
Tyler Ulrich  
Florida Bar No. 94705  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com  
tulrich@bsflp.com

**By: /s/ Jose Ferrer**

Jose Ferrer  
Florida Bar No. 173746  
Michelle Genet Bernstein  
Florida Bar No. 1030736  
**MARK MIGDAL HAYDEN LLP**  
8 SW 8<sup>th</sup> Street, Suite 1999

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Miami, FL 33130  
Office: 305-374-0440  
jose@markmigdal.com  
michelle@markmigdal.com  
eservice@markmigdal.com

*Co-Counsel for Plaintiffs and the Class*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz  
ADAM M. MOSKOWITZ

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**KEVIN PAFFRATH, GRAHAM STEPHAN,  
ANDREI JIKH, JASPREET SINGH, BRIAN  
JUNG, JEREMY LEFEBVRE, TOM NASH,  
BEN ARMSTRONG, ERIKA KULLBERG,  
CREATORS AGENCY, LLC,**

*Defendants.*

/

**PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO  
DEFENDANT ERIKA KULLBERG**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Erika Kullberg (“Kullberg”), produce the documents requested in response to these seven requests.

Dated: May 17, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com

Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com

**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/Stuart Z. Grossman**

Stuart Z. Grossman  
Florida Bar No. 156113  
Manuel A. Arteaga-Gomez

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Florida Bar No. 18122  
**GROSSMAN ROTH YAFFA COHEN, P.A.**  
2525 Ponce de Leon Boulevard, Suite 1150  
Coral Gables, FL 33134  
Ph: 305-442-8666  
Fx: 305-285-1668  
szg@grossmanroth.com  
aag@grossmanroth.com

**By: /s/ Stephen Neal Zack**  
Stephen Neal Zack  
Florida Bar No. 145215  
Tyler Ulrich  
Florida Bar No. 94705  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com  
tulrich@bsflp.com

**By: /s/ Jose Ferrer**  
Jose Ferrer  
Florida Bar No. 173746  
Michelle Genet Bernstein  
Florida Bar No. 1030736  
**MARK MIGDAL HAYDEN LLP**  
8 SW 8<sup>th</sup> Street, Suite 1999  
Miami, FL 33130  
Office: 305-374-0440  
jose@markmigdal.com  
michelle@markmigdal.com  
eservice@markmigdal.com

*Co-Counsel for Plaintiffs and the Class*

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

**By: /s/ Adam M. Moskowitz**  
ADAM M. MOSKOWITZ

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

## **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

1. “Kullberg,” “You,” or “Your” means Defendant Erika Kullberg and any of her affiliates, representatives, or agents.
2. “Co-Defendants” means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
4. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
5. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
6. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

### **INSTRUCTIONS**

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - b. all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

- the destruction of any responsive document;
- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
  - f. all efforts made to locate any responsive document alleged to have been lost.
5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
  6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
  7. All documents are to be produced in the following method:
    - a) Single page .TIFF
    - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
    - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
    - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

*Edwin Garrison, et al. v. Kevin Paffrath, et al.  
CASE NO. 23-21023-CIV-ALTONAGA/Damian*

## **SEVEN REQUESTS FOR PRODUCTION**

*Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.*

1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

---

<sup>1</sup> Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.

6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.

7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**KEVIN PAFFRATH, GRAHAM STEPHAN,  
ANDREI JIKH, JASPREET SINGH, BRIAN  
JUNG, JEREMY LEFEBVRE, TOM NASH,  
BEN ARMSTRONG, ERIKA KULLBERG,  
CREATORS AGENCY, LLC,**

*Defendants.*

/

**NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT  
CREATORS AGENCY, LLC'S RULE 30(b)(6) REPRESENTATIVE(S)**

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT:** Defendant Creators Agency, LLC, (the "Creators"), by and through Creators' corporate representative(s) with knowledge of the eight topics listed in **Exhibit A**, pursuant to Federal Rule of Civil Procedure 30(b)(6).

**DATE:** June 30, 2023

**TIME:** 10:00am EST

**LOCATION:** Zoom (contact counsel for details)

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Defendant Creators Agency, LLC (the “Creators”) shall both designate one or more officers, directors, managing agents, or other persons to testify on its behalf on each topic listed on **Exhibit A** attached hereto.

Dated: May 17, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com  
Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com  
**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/Stuart Z. Grossman**

Stuart Z. Grossman  
Florida Bar No. 156113  
Manuel A. Arteaga-Gomez  
Florida Bar No. 18122  
**GROSSMAN ROTH YAFFA COHEN, P.A.**  
2525 Ponce de Leon Boulevard, Suite 1150  
Coral Gables, FL 33134  
Ph: 305-442-8666  
Fx: 305-285-1668  
szg@grossmanroth.com  
aag@grossmanroth.com

**By: /s/ Stephen Neal Zack**

Stephen Neal Zack  
Florida Bar No. 145215  
Tyler Ulrich  
Florida Bar No. 94705  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com  
tulrich@bsflp.com

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

By: /s/ Jose Ferrer

Jose Ferrer

Florida Bar No. 173746

Michelle Genet Bernstein

Florida Bar No. 1030736

**MARK MIGDAL HAYDEN LLP**

8 SW 8<sup>th</sup> Street, Suite 1999

Miami, FL 33130

Office: 305-374-0440

jose@markmigdal.com

michelle@markmigdal.com

eservice@markmigdal.com

*Co-Counsel for Plaintiffs and the Class*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on May 17, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

By: /s/ Adam M. Moskowitz  
ADAM M. MOSKOWITZ

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

## EXHIBIT A

### I. DEFINITIONS AND INSTRUCTIONS

Unless otherwise specified, the terms set forth below have the following meanings:

1. “CA,” “You,” or “Your” means Defendant Creators Agency LLC and any of its affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
2. “Co-Defendants” means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
4. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
5. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
6. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets,

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

9. All/Each – The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

10. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.

11. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

12. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

Edwin Garrison, et al. v. Kevin Paffrath, et al.  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

## **II. EIGHT DEPOSITION SUBJECTS**

Pursuant to Rule 30(b)(6), CA shall designate and produce for deposition one or more of its officers, directors, managing agents, or other persons who are knowledgeable about and consent to testify on its behalf concerning the following subject matters:

1. All Documents and responses provided in response to Plaintiffs' request for production, dated and served on May 18, 2023.
2. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
3. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
4. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.

---

<sup>1</sup> Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

5. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

6. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.

7. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.

8. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 23-21023-CIV-ALTONAGA/Damian

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**KEVIN PAFFRATH, GRAHAM STEPHAN,  
ANDREI JIKH, JASPREET SINGH, BRIAN  
JUNG, JEREMY LEFEBVRE, TOM NASH,  
BEN ARMSTRONG, ERIKA KULLBERG,  
CREATORS AGENCY, LLC,**

*Defendants.*

/

**PLAINTIFF'S FIRST SET OF SEVEN REQUESTS FOR PRODUCTION TO  
DEFENDANT CREATORS AGENCY LLC**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Creators Agency LLC ("CA"), produce the documents requested in response to these seven requests.

Dated: May 17, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com  
Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com  
**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/Stuart Z. Grossman**

Stuart Z. Grossman  
Florida Bar No. 156113  
Manuel A. Arteaga-Gomez

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

Florida Bar No. 18122  
**GROSSMAN ROTH YAFFA COHEN, P.A.**  
2525 Ponce de Leon Boulevard, Suite 1150  
Coral Gables, FL 33134  
Ph: 305-442-8666  
Fx: 305-285-1668  
szg@grossmanroth.com  
aag@grossmanroth.com

**By: /s/ Stephen Neal Zack**  
Stephen Neal Zack  
Florida Bar No. 145215  
Tyler Ulrich  
Florida Bar No. 94705  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com  
tulrich@bsflp.com

**By: /s/ Jose Ferrer**  
Jose Ferrer  
Florida Bar No. 173746  
Michelle Genet Bernstein  
Florida Bar No. 1030736  
**MARK MIGDAL HAYDEN LLP**  
8 SW 8<sup>th</sup> Street, Suite 1999  
Miami, FL 33130  
Office: 305-374-0440  
jose@markmigdal.com  
michelle@markmigdal.com  
eservice@markmigdal.com

*Co-Counsel for Plaintiffs and the Class*

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 17, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

**By: /s/ Adam M. Moskowitz**  
ADAM M. MOSKOWITZ

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

## **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

1. “CA,” “You,” or “Your” means Defendant Creators Agency LLC and any of its affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
2. “Co-Defendants” means any of the other Defendants sued in this Action, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., Alameda Research, LLC, and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
4. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
5. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
6. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes,

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. “Person” or “People” means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms “all” and “each” shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court’s order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

### **INSTRUCTIONS**

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - b. all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

- d. the name of each person who ordered, authorized, and carried out the destruction of any responsive document;
  - e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
  - f. all efforts made to locate any responsive document alleged to have been lost.
5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
7. All documents are to be produced in the following method:
- a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

Edwin Garrison, et al. v. Kevin Paffrath, et al.  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

## **SEVEN REQUESTS FOR PRODUCTION**

*Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiffs agree to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.*

1. All Documents and Communications, including contracts or agreements, regarding any business You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted with the FTX Entities, including all documents and communications regarding any payments made to You (personally or to any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) in accordance with any such contract or agreement.
2. All videos or other content You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) produced regarding, relating to, and/or mentioning the FTX platform, FTT, and/or YBAs, including videos or content that have been removed from their public-facing platforms.<sup>1</sup>
3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida audience, and Florida's FTX consumers.
4. All Documents and Communications regarding any and all communications between You (personally or through any entity owned by You, or any of Your or Your entities'

---

<sup>1</sup> Any such videos and/or content either should still be saved on Defendants' hard drives and preserved for use in this litigation, or should still be on the private-facing portions of their social media platforms—for instance, Defendants could have set a video they posted on YouTube to "private" so it no longer is publicly viewable or searchable but is still posted on their account. "Spoliation is the destruction or significant alteration of evidence, or the failure to preserve property for another's use as evidence in pending or reasonably foreseeable litigation." *Graff v. Baja Marine Corp.*, 310 F. App'x 298, 301 (11th Cir. 2009). "The duty to preserve relevant evidence is triggered not only when litigation is pending, but also when it reasonably foreseeable to that party." *Title Cap. Mgmt., LLC v. Progress Residential, LLC*, No. 16-21882-CV, 2017 WL 5953428, at \*4 (S.D. Fla. Sept. 29, 2017).

*Edwin Garrison, et al. v. Kevin Paffrath, et al.*  
CASE NO. 23-21023-CIV-ALTONAGA/Damian

affiliates, representatives, employees, or agents) with the FTX Entities regarding promotion of FTT, YBAs or the FTX Platform.

5. All Documents regarding any and all due diligence You (personally or through any entity owned by You, or any of Your or Your entities' affiliates, representatives, employees, or agents) conducted before promotion of FTT, YBAs or FTX Platform to the public.

6. All Documents and Communications between You and any of the Co-Defendants in this Action regarding this lawsuit and/or the subject matter of this lawsuit, including the promotion of FTT, YBAs or the FTX Platform.

7. All Documents that show, evidence and/or relate to Your purchases, ownership, or control of FTT, including any wallet addresses controlled by You related to your FTT holdings.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**SAM BANKMAN-FRIED, et al.,**

*Defendants.*

/

---

**PLAINTIFF'S FIRST SET OF THREE REQUESTS FOR PRODUCTION TO  
DEFENDANT GOLDEN STATE WARRIORS LLC**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Golden State Warriors LLC (“GSW”), produce the documents requested in response to these three requests.

Dated: April 21, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com  
Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com  
**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/ David Boies**

David Boies  
(*Pro Hac Vice*)  
Alex Boies  
(*Pro Hac Vice*)  
**BOIES SCHILLER FLEXNER LLP**  
333 Main Street  
Armonk, NY 10504

*Edwin Garrison, et al. v. Samuel Bankman-Fried, et al.*  
Case No. 1:22-cv-23753-KMM

Phone: (914) 749-8200  
dboies@bsflp.com

**By: /s/ Stephen Neal Zack**  
Stephen Neal Zack  
Florida Bar No. 145215  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com

*Co-Counsel for Plaintiff and the Class*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 21, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

**By: /s/ Adam M. Moskowitz**  
ADAM M. MOSKOWITZ

**DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

1. “GSW,” “You,” or “Your” means Defendant Golden State Warriors LLC and any of its affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
2. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
4. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
5. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
6. “FTX Platform” refers to the FTX Entities’ mobile application cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and

intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. "Person" or "People" means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms "all" and "each" shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court's order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

### **INSTRUCTIONS**

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email

addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - b. all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out

the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
- f. all efforts made to locate any responsive document alleged to have been lost.

5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
7. All documents are to be produced in the following method:
  - a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

**THREE REQUESTS FOR PRODUCTION**

*Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiff have already agreed to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.*

1. All Documents and Communications, including but not limited to contracts or agreements, regarding Your “First-Of-Its-Kind” International Partnership with the FTX Entities.

*See <https://www.nba.com/warriors/warriors-ftx-partnership-20211214> (accessed April 21, 2023).*

2. All Documents and Communications, that show, evidence and/or relate to Defendant “targeting” Defendant’s Florida fans, and Florida’s FTX consumers, including but not limited to (1) any advertising for the FTX Platform or FTX Entities located in the Chase Center that was broadcast in or viewable by Florida investors and GSW fans residing in Florida during GSW games (including GSW home games where GSW played either the Miami Heat or Orlando Magic); (2) any advertising for the FTX Platform or FTX Entities located in the Warriors Gaming Squad court during NBA 2K League games; and (3) any NFTs that GSW offered for sale on the FTX Platform.

3. All documents regarding any and all communications with the FTX Entities regarding whether YBAs or FTT constitute a security under any federal or state law.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**SAM BANKMAN-FRIED, et al.,**

*Defendants.*

/

---

**NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF DEFENDANT  
GOLDEN STATE WARRIORS LLC'S RULE 30(b)(6) REPRESENTATIVE(S)**

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT:** Defendant Golden State Warriors LLC, (the "GSW"), by and through GSW' corporate representative(s) with knowledge of the four topics listed in **Exhibit A**, pursuant to Federal Rule of Civil Procedure 30(b)(6).

**DATE:** May 8, 2023

**TIME:** 10:00 AM (PDT) // 1:00 PM (EDT)

**LOCATION:** Boies, Schiller Flexner, LLP  
725 S Figueroa Street, 31st Floor  
Los Angeles, CA 90017  
Phone (213) 629-9040

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of California. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

*Edwin Garrison, et al. v. Samuel Bankman-Fried, et al.*  
Case No. 1:22-cv-23753-KMM

Pursuant to Federal Rule of Civil Procedure 30(b)(6), Defendant Golden State Warriors LLC (the “GSW”) shall both designate one or more officers, directors, managing agents, or other persons to testify on its behalf on each topic listed on **Exhibit A** attached hereto.

Dated: April 21, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com  
Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com  
**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/ David Boies**

David Boies  
(*Pro Hac Vice*)  
Alex Boies  
(*Pro Hac Vice*)  
**BOIES SCHILLER FLEXNER LLP**  
333 Main Street  
Armonk, NY 10504  
Phone: (914) 749-8200  
dboies@bsflp.com

**By: /s/ Stephen Neal Zack**

Stephen Neal Zack  
Florida Bar No. 145215  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com

*Co-Counsel for Plaintiff and the Class*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on April 21, 2023, via the Court's CM/ECF system, which will send notification of such filing to all attorneys of record.

By: /s/ Adam M. Moskowitz  
ADAM M. MOSKOWITZ

## EXHIBIT A

### **I. DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

1. “GSW,” “You,” or “Your” means Defendant, Golden State Warriors LLC, any of its affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
2. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
4. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
5. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
6. “FTX Platform” refers to the FTX Entities’ mobile application cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes,

agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys, charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. “Person” or “People” means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

9. All/Each – The terms “all” and “each” shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

10. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court’s order, or any extensions thereof, shall be waived.

11. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

12. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

## **II. FOUR DEPOSITION SUBJECTS**

Pursuant to Rule 30(b)(6), the GSW shall designate and produce for deposition one or more of its officers, directors, managing agents, or other persons who are knowledgeable about and consent to testify on its behalf concerning the following subject matters:

1. All Documents and responses provided in response to Plaintiffs' request for production, each dated and served on April 21, 2023.
2. All contracts or agreements and circumstances regarding Your "First-Of-Its-Kind" International Partnership with the FTX Entities. See <https://www.nba.com/warriors/warriors-ftx-partnership-20211214> (accessed April 21, 2023).
3. All Documents and Communications, that show, evidence and/or relate to Defendant "targeting" Defendant's Florida fans, and Florida's FTX consumers, including but not limited to (1) any advertising for the FTX Platform or FTX Entities located in the Chase Center that was broadcast in or viewable by Florida investors and GSW fans residing in Florida during GSW games (including GSW home games where GSW played either the Miami Heat or Orlando Magic); (2) any advertising for the FTX Platform or FTX Entities located in the Warriors Gaming Squad court during NBA 2K League games; and (3) any NFTs that GSW offered for sale on the FTX Platform.
4. All research or due diligence YOU and/or the NBA performed about the FTX Entities, the FTX Platform, or whether YBAs or FTT constitute a security under any federal or state law.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**SAM BANKMAN-FRIED, et al.,**

*Defendants.*

/

---

**PLAINTIFF'S FIRST SET OF THREE REQUESTS FOR PRODUCTION TO  
DEFENDANT LAWRENCE GENE DAVID**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Lawrence Gene David (“David”), produce the documents requested in response to these three requests.

Dated: April 21, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com  
Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com  
**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/ David Boies**

David Boies  
(*Pro Hac Vice*)  
Alex Boies  
(*Pro Hac Vice*)  
**BOIES SCHILLER FLEXNER LLP**  
333 Main Street  
Armonk, NY 10504

*Edwin Garrison, et al. v. Samuel Bankman-Fried, et al.*  
Case No. 1:22-cv-23753-KMM

Phone: (914) 749-8200  
dboies@bsflp.com

**By: /s/ Stephen Neal Zack**  
Stephen Neal Zack  
Florida Bar No. 145215  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com

*Co-Counsel for Plaintiff and the Class*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 21, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

**By: /s/ Adam M. Moskowitz**  
ADAM M. MOSKOWITZ

## **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

1. "David," "You," or "Your" means Defendant Lawrence Gene David and any of his affiliates, representatives, or agents.
2. "FTX Entities" means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. "FTX Platform" refers to the FTX Entities' mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
4. "YBAs" refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
5. "FTT" refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
6. "FTX Platform" refers to the FTX Entities' mobile application cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
7. "Document(s)" means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys,

charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. “Person” or “People” means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms “all” and “each” shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court’s order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

### **INSTRUCTIONS**

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - b. all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
  - f. all efforts made to locate any responsive document alleged to have been lost.
5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
7. All documents are to be produced in the following method:
- a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

**THREE REQUESTS FOR PRODUCTION**

*Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiff have already agreed to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.*

1. All Documents and Communications, including contracts or agreements, regarding any business You conducted with the FTX Entities.
2. All Documents and Communications, that show, evidence and/or relate to Defendant “targeting” Defendant’s Florida fans, and Florida’s FTX consumers, including but not limited to the “Don’t Miss Out on Crypto” 2022 Super Bowl advertisement. See <https://youtu.be/hWMnbJJpeZc> (accessed April 21, 2023).
3. All documents regarding any and all communications with the FTX Entities regarding whether YBAs or FTT constitute a security under any federal or state law.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**SAM BANKMAN-FRIED, et al.,**

*Defendants.*

/

---

**NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF**  
**DEFENDANT LAWRENCE GENE DAVID**

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT:** Defendant Lawrence Gene David  
**DATE:** May 11, 2023  
**TIME:** 10:00 AM (PDT) // 1:00 PM (EDT)  
**LOCATION:** Boies, Schiller Flexner, LLP  
725 S Figueroa Street, 31st Floor  
Los Angeles, CA 90017  
Phone (213) 629-9040

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of California. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: April 21, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz

*Edwin Garrison, et al. v. Samuel Bankman-Fried, et al.*  
Case No. 1:22-cv-23753-KMM

Florida Bar No. 984280  
adam@moskowitz-law.com  
Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com  
**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/ David Boies**  
David Boies  
(*Pro Hac Vice*)  
Alex Boies  
(*Pro Hac Vice*)  
**BOIES SCHILLER FLEXNER LLP**  
333 Main Street  
Armonk, NY 10504  
Phone: (914) 749-8200  
dboies@bsflp.com

**By: /s/ Stephen Neal Zack**  
Stephen Neal Zack  
Florida Bar No. 145215  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com

*Co-Counsel for Plaintiff and the Class*

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on April 21, 2023, via the Court's CM/ECF system, which will send notification of such filing to all attorneys of record.

**By: /s/ Adam M. Moskowitz**  
ADAM M. MOSKOWITZ

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**SAM BANKMAN-FRIED, et al.,**

*Defendants.*

/

---

**PLAINTIFF'S FIRST SET OF THREE REQUESTS FOR PRODUCTION TO  
DEFENDANT NAOMI OSAKA**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Naomi Osaka (“Osaka”), produce the documents requested in response to these three requests.

Dated: April 21, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com  
Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com  
**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/ David Boies**

David Boies  
(*Pro Hac Vice*)  
Alex Boies  
(*Pro Hac Vice*)  
**BOIES SCHILLER FLEXNER LLP**  
333 Main Street  
Armonk, NY 10504

*Edwin Garrison, et al. v. Samuel Bankman-Fried, et al.*  
Case No. 1:22-cv-23753-KMM

Phone: (914) 749-8200  
dboies@bsflp.com

**By: /s/ Stephen Neal Zack**  
Stephen Neal Zack  
Florida Bar No. 145215  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com

*Co-Counsel for Plaintiff and the Class*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 21, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

**By: /s/ Adam M. Moskowitz**  
ADAM M. MOSKOWITZ

## **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

1. “Osaka,” “You,” or “Your” means Defendant Naomi Osaka and any of her affiliates, representatives, or agents.
2. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
4. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
5. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
6. “FTX Platform” refers to the FTX Entities’ mobile application cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys,

charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. “Person” or “People” means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms “all” and “each” shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court’s order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

### **INSTRUCTIONS**

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - b. all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
  - f. all efforts made to locate any responsive document alleged to have been lost.
5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
7. All documents are to be produced in the following method:
- a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

### **THREE REQUESTS FOR PRODUCTION**

*Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiff have already agreed to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.*

1. All Documents and Communications, including contracts or agreements, regarding Your Global Partnership with the FTX Entities. See <https://www.prnewswire.com/news-releases/naomi-osaka-world-renowned-tennis-player-and-activist-becomes-global-ambassador-and-shareholder-of-ftx-with-long-term-partnership-to-increase-access-and-opportunity-for-women-in-crypto-301506633.html> (accessed April 21, 2023).

2. All Documents and Communications, that show, evidence and/or relate to Defendant “targeting” Defendant’s Florida fans, and Florida’s FTX consumers, including but not limited to, (1) through wearing the FTX logo on the kit Defendant wore at tournaments, including the 2022 Miami Open, and (2) through any and all content you directed, created, produced, or participated in in association with the FTX Entities designed to promote the FTX Platform, FTT, and/or YBAs, such as the advertisement viewable here: <https://youtu.be/pkuf8avR50k> (accessed April 21, 2023).

3. All documents regarding any and all communications with the FTX Entities regarding whether YBAs or FTT constitute a security under any federal or state law.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**SAM BANKMAN-FRIED, et al.,**

*Defendants.*

/

---

**NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF**  
**DEFENDANT NAOMI OSAKA**

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT:** Defendant Naomi Osaka  
**DATE:** May 10, 2023  
**TIME:** 10:00 AM (PDT) // 1:00 PM (EDT)  
**LOCATION:** Boies, Schiller Flexner, LLP  
725 S Figueroa Street, 31st Floor  
Los Angeles, CA 90017  
Phone (213) 629-9040

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of California. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: April 21, 2023

Respectfully submitted,

By: /s/ Adam Moskowitz

Adam M. Moskowitz

*Edwin Garrison, et al. v. Samuel Bankman-Fried, et al.*  
Case No. 1:22-cv-23753-KMM

Florida Bar No. 984280  
adam@moskowitz-law.com  
Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com  
**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/ David Boies**  
David Boies  
(*Pro Hac Vice*)  
Alex Boies  
(*Pro Hac Vice*)  
**BOIES SCHILLER FLEXNER LLP**  
333 Main Street  
Armonk, NY 10504  
Phone: (914) 749-8200  
dboies@bsflp.com

**By: /s/ Stephen Neal Zack**  
Stephen Neal Zack  
Florida Bar No. 145215  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com

*Co-Counsel for Plaintiff and the Class*

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on April 21, 2023, via the Court's CM/ECF system, which will send notification of such filing to all attorneys of record.

**By: /s/ Adam M. Moskowitz**  
ADAM M. MOSKOWITZ

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**SAM BANKMAN-FRIED, et al.,**

*Defendants.*

/

---

**PLAINTIFF'S FIRST SET OF THREE REQUESTS FOR PRODUCTION TO  
DEFENDANT STEPHEN CURRY**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Stephen Curry (“Curry”), produce the documents requested in response to these three requests.

Dated: April 21, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com  
Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com  
**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/ David Boies**

David Boies  
(*Pro Hac Vice*)  
Alex Boies  
(*Pro Hac Vice*)  
**BOIES SCHILLER FLEXNER LLP**  
333 Main Street  
Armonk, NY 10504

*Edwin Garrison, et al. v. Samuel Bankman-Fried, et al.*  
Case No. 1:22-cv-23753-KMM

Phone: (914) 749-8200  
dboies@bsflp.com

**By: /s/ Stephen Neal Zack**  
Stephen Neal Zack  
Florida Bar No. 145215  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com

*Co-Counsel for Plaintiff and the Class*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 21, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

**By: /s/ Adam M. Moskowitz**  
ADAM M. MOSKOWITZ

## **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

1. “Curry,” “You,” or “Your” means Defendant Stephen Curry and any of his affiliates, representatives, or agents.
2. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
4. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
5. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
6. “FTX Platform” refers to the FTX Entities’ mobile application cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys,

charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. “Person” or “People” means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms “all” and “each” shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court’s order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

### **INSTRUCTIONS**

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 141609, Coral Gables, FL 33114, or for hand deliveries at 251 Valencia Ave #141609, Coral Gables, FL 33114, or via electronic mail to the email addresses provided in the signature blocks of the attorneys serving these requests.

2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - b. all locations in which any copy of the lost or destroyed document had been maintained;
  - c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out the destruction of any responsive document;

- e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
  - f. all efforts made to locate any responsive document alleged to have been lost.
5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
7. All documents are to be produced in the following method:
- a) Single page .TIFF
  - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
  - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
  - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

### **THREE REQUESTS FOR PRODUCTION**

*Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiff have already agreed to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.*

1. All Documents and Communications, including contracts or agreements, regarding Your Global Partnership with the FTX Entities. See <https://www.prnewswire.com/news-releases/nba-superstar-stephen-curry-becomes-global-ambassador-and-shareholder-of-leading-cryptocurrency-exchange-ftx-through-long-term-partnership-301370497.html> (accessed April 21, 2023).
2. All Documents and Communications, including but not limited to Contracts or Agreements and any negotiations, that shows, evidences and/or relates to Defendant “targeting” Defendant’s Florida fans, and Florida’s FTX consumers, including but not limited to, through any NFTs You offered for sale on the FTX Platform, or through the extremely well-marketed the “#notanexpert” campaign and Your statements made in that campaign, including “I’m not an expert, ***and I don’t need to be.*** With FTX I have everything I need to buy, sell, and trade crypto ***safely.***” See <https://www.youtube.com/watch?v=gsy2N-XI04o> (accessed April 21, 2023); see also <https://www.prnewswire.com/news-releases/stephen-curry-drops-surprise-nft-for-charity-to-commemorate-breaking-all-time-nba-three-point-record-301447687.html> (accessed April 21, 2023).
3. All documents regarding any and all communications with the FTX Entities regarding whether YBAs or FTT constitute a security under any federal or state law.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**SAM BANKMAN-FRIED, et al.,**

*Defendants.*

/

---

**NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF**  
**DEFENDANT STEPHEN CURRY**

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT:** Defendant Stephen Curry  
**DATE:** May 9, 2023  
**TIME:** 10:00 AM (PDT) // 1:00 PM (EDT)  
**LOCATION:** Boies, Schiller Flexner, LLP  
725 S Figueroa Street, 31st Floor  
Los Angeles, CA 90017  
Phone (213) 629-9040

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of California. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: April 21, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
adam@moskowitz-law.com  
Joseph M. Kaye  
Florida Bar No. 117520  
joseph@moskowitz-law.com  
**THE MOSKOWITZ LAW FIRM, PLLC**  
2 Alhambra Plaza, Suite 601  
Coral Gables, FL 33134  
Telephone: (305) 740-1423

**By: /s/ David Boies**

David Boies  
(*Pro Hac Vice*)  
Alex Boies  
(*Pro Hac Vice*)  
**BOIES SCHILLER FLEXNER LLP**  
333 Main Street  
Armonk, NY 10504  
Phone: (914) 749-8200  
dboies@bsflp.com

**By: /s/ Stephen Neal Zack**

Stephen Neal Zack  
Florida Bar No. 145215  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com  
*Co-Counsel for Plaintiff and the Class*

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was filed on April 21, 2023, via Court's CM/ECF system, which will send notification to all attorneys of record.

**By: /s/ Adam M. Moskowitz**

ADAM M. MOSKOWITZ

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**SAM BANKMAN-FRIED, et al.,**

*Defendants.*

/

---

**PLAINTIFF'S FIRST SET OF THREE REQUESTS FOR PRODUCTION TO  
DEFENDANT UDONIS HASLEM**

Plaintiff, pursuant to Fed. R. Civ. P. 26 and 34, requests that Defendant, Udonis Haslem (“Haslem”), produce the documents requested in response to these three requests.

Dated: May 26, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
Joseph M. Kaye  
Florida Bar No. 117520  
**THE MOSKOWITZ LAW FIRM, PLLC**  
3250 Mary Street, Suite 202  
Miami, FL 33133  
Mailing Address:  
P.O. Box 653409  
Miami, FL 33175  
Telephone: (305) 740-1423  
adam@moskowitz-law.com  
joseph@moskowitz-law.com

**By: /s/ David Boies**

David Boies  
(*Pro Hac Vice*)  
Alex Boies  
(*Pro Hac Vice*)

*Edwin Garrison, et al. v. Samuel Bankman-Fried, et al.*  
Case No. 1:22-cv-23753-KMM

**BOIES SCHILLER FLEXNER LLP**  
333 Main Street  
Armonk, NY 10504  
Phone: (914) 749-8200  
dboies@bsflp.com

**By: /s/ Stephen Neal Zack**  
Stephen Neal Zack  
Florida Bar No. 145215  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com

**By: /s/ Jose M. Ferrer**  
Jose Ferrer  
Florida Bar No. 173746  
Michelle Genet Bernstein  
Florida Bar No. 1030736  
**MARK MIGDAL HAYDEN LLP**  
80 SW 8th Street, Suite 1999  
Miami, FL 33130  
Office: 305-374-0440  
jose@markmigdal.com  
michelle@markmigdal.com

*Co-Counsel for Plaintiff and the Class*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 26, 2023, a true and correct copy of the foregoing was sent via electronic mail to counsel for Defendants.

**By: /s/ Adam M. Moskowitz**  
ADAM M. MOSKOWITZ

## **DEFINITIONS AND INSTRUCTIONS**

Unless otherwise specified, the terms set forth below have the following meanings:

1. “Haslem,” “You,” or “Your” means Defendant Udonis Haslem and any of his affiliates, representatives, or agents.
2. “FTX Entities” means West Realm Shires Services, Inc., FTX Trading Ltd, Blockfolio, Inc., and any of their affiliates, subsidiaries, divisions, segments, predecessors, successors, officers, directors, employees, representatives, or agents.
3. “FTX Platform” refers to the FTX Entities’ mobile application and/or web-based cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
4. “YBAs” refers to the Yield-Bearing Accounts offered by the FTX Entities on the FTX Platform.
5. “FTT” refers to the native cryptocurrency exchange token of the FTX Platform ecosystem.
6. “FTX Platform” refers to the FTX Entities’ mobile application cryptocurrency investment service that places cryptocurrency trade orders on behalf of users.
7. “Document(s)” means any written, printed, typed or other graphic matter, of any kind or nature, whether in hard copy or electronic format, whether the original, draft, or a copy and copies bearing notations or marks not found on the original, including but not limited to memoranda, reports, recommendations, notes, letters, envelopes, post-its, emails, telegrams, messages, manuscripts, studies, analyses, tests, comparisons, books, articles, pamphlets, magazines, newspapers, booklets, circulars, bulletins, notices, instructions, minutes, agreements, contracts, and all other written communications, of any type, including inter and intra-office communications, purchase orders, invoices, bills, receipts, questionnaires, surveys,

charts, graphs, videos, photographs, sketches, drawings, house sheets, tapes, voice messages or other recordings, print-outs or compilations from which information can be obtained or, if necessary, translated through detection devices into reasonably usable form, including all underlying or preparatory materials and drafts thereof.

8. Unless otherwise stated in a request, the time period for which you must respond is beginning in January 1, 2019 and ending at the present time.

9. “Person” or “People” means any natural person(s) or any business, legal, or governmental entity (or entities) or association(s).

10. All/Each – The terms “all” and “each” shall be construed as meaning either all or each as necessary to bring within the scope of the discovery request all responses that might otherwise be construed to be outside its scope.

11. Objections: Where an objection is made to any request, the objection shall state with specificity all grounds. Any ground not stated in an objection within the time provided by the Federal Rules of Civil Procedure, or by the Court’s order, or any extensions thereof, shall be waived.

12. Whenever a reference to a business entity appears, the reference shall mean the business entity, its affiliated companies, partnerships, divisions, subdivisions, directors, officers, employees, agents, clients or other representatives of affiliated third parties.

**INSTRUCTIONS**

1. Production of documents and items requested herein shall be made at the offices of The Moskowitz Law Firm, P.O. Box 653409, Miami, FL 33133 or via electronic mail to the email addresses provided in the signature blocks of the attorneys serving these requests.
2. These requests shall include all documents that are in the possession, custody or control of Defendant or in the possession, custody or control of the present or former agents, representatives, or attorneys of Defendant, or any and all persons acting on the behalf of Defendant, or its present or former agents, representatives, or attorneys.
3. For any document covered by a request that is withheld from production, Defendant shall provide the following information in the form of a privilege log:
  - a. the reasons and facts supporting any withholding;
  - b. the date such document was prepared;
  - c. the names, employment positions and addresses of the author or preparers of such document;
  - d. the names, employment positions, and the addresses of each person who received such document;
  - e. the title and a brief description of the document; and
  - f. the number of the request under which such document would be produced but for the objection.
4. If any document responsive to a request has been destroyed, produce all documents describing or referencing:
  - a. the contents of the lost or destroyed document;
  - b. all locations in which any copy of the lost or destroyed document

had been maintained;

- c. the date of such loss or destruction;
  - d. the name of each person who ordered, authorized, and carried out the destruction of any responsive document;
  - e. all document retention and destruction policies in effect at the time any requested document was destroyed; and
  - f. all efforts made to locate any responsive document alleged to have been lost.
5. In producing the documents requested, indicate the specific request(s) pursuant to which document or group of documents is being produced.
  6. These requests should be deemed continuing, and supplemental productions should be provided as additional documents become available.
  7. All documents are to be produced in the following method:
    - a) Single page .TIFF
    - b) Color .jpg (Documents wherein reflection of importance relies on color, shall be produced in .jpg format)
    - c) OCR at document level (All documents are to be provided with searchable text files with the exception of the redacted portions of redacted documents)
    - d) Electronic documents and Emails are to be processed and converted from the electronic format to single page tiff

**THREE REQUESTS FOR PRODUCTION**

*Please refer to the Definitions and Instructions when responding to these requests. To the extent that any of these requests seek information considered by Defendants to be confidential, Plaintiff have already agreed to enter into any reasonable confidentiality agreement with Defendants to protect such alleged confidential information.*

1. All Documents and Communications, including contracts or agreements, regarding Your Partnership with the FTX Entities. *See* <https://heatnation.com/media/udonis-haslem-reveals-ftx-gypped-him-out-of-15m/> (accessed May 26, 2023).
2. All Documents and Communications, that show, evidence and/or relate to Defendant “targeting” Defendant’s Florida fans and Florida’s FTX consumers, including but not limited to the FTX Charity Hackathon and “You In?” advertising campaign. *See* <https://www.youtube.com/watch?v=4sD8uLYzzwM> (accessed May 26, 2023).
3. All documents regarding any and all communications with the FTX Entities regarding whether YBAs or FTT constitute a security under any federal or state law.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
MIAMI DIVISION

CASE NO. 1:22-cv-23753-KMM

**EDWIN GARRISON, et al.**, on behalf of  
themselves and all others similarly situated,

*Plaintiffs,*

v.

**SAM BANKMAN-FRIED, et al.,**

*Defendants.*

/

---

**NOTICE OF TAKING THE VIDEOTAPED DEPOSITION OF**  
**DEFENDANT UDONIS HASLEM**

Pursuant to Federal Rule of Civil Procedure 30, Plaintiff's counsel will take the deposition of the below-named person/entity on the date, time, and at the location indicated.

**DEPONENT:** Defendant Udonis Haslem  
**DATE:** July 20, 2023  
**TIME:** 10:00 AM (EDT)  
**LOCATION:** Boies, Schiller Flexner, LLP  
BOIES SCHILLER FLEXNER LLP  
100 SE 2nd St., Suite 2800  
Miami, FL 33131

The aforesaid deposition will be before a court reporter, an officer authorized by law to administer oaths and take depositions in the State of Florida. The deposition is being taken for the purpose of discovery, for use at trial, or both, or for such other purposes as are permitted under the Federal and Local Rules of Civil Procedure.

Dated: May 30, 2023

Respectfully submitted,

**By: /s/ Adam Moskowitz**

Adam M. Moskowitz  
Florida Bar No. 984280  
Joseph M. Kaye  
Florida Bar No. 117520  
**THE MOSKOWITZ LAW FIRM, PLLC**

*Edwin Garrison, et al. v. Samuel Bankman-Fried, et al.*  
Case No. 1:22-cv-23753-KMM

3250 Mary Street, Suite 202  
Miami, FL 33133  
Mailing Address:  
P.O. Box 653409  
Miami, FL 33175  
Telephone: (305) 740-1423  
adam@moskowitz-law.com  
joseph@moskowitz-law.com

**By: /s/ David Boies**  
David Boies  
(*Pro Hac Vice*)  
Alex Boies  
(*Pro Hac Vice*)  
**BOIES SCHILLER FLEXNER LLP**  
333 Main Street  
Armonk, NY 10504  
Phone: (914) 749-8200  
dboies@bsflp.com

**By: /s/ Stephen Neal Zack**  
Stephen Neal Zack  
Florida Bar No. 145215  
**BOIES SCHILLER FLEXNER LLP**  
100 SE 2nd St., Suite 2800  
Miami, FL 33131  
Office: 305-539-8400  
szack@bsflp.com

**By: /s/Jose M. Ferrer**  
Jose Ferrer  
Florida Bar No. 173746  
Michelle Genet Bernstein  
Florida Bar No. 1030736  
**MARK MIGDAL HAYDEN LLP**  
80 SW 8th Street, Suite 1999  
Miami, FL 33130  
Office: 305-374-0440  
jose@markmigdal.com  
micelle@markmigdal.com

*Co-Counsel for Plaintiff and the Class*

*Edwin Garrison, et al. v. Samuel Bankman-Fried, et al.*  
Case No. 1:22-cv-23753-KMM

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the forgoing was served on May 30, 2023, via email to all attorneys of record.

By: /s/ Adam M. Moskowitz  
ADAM M. MOSKOWITZ